

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

MEMORANDUM

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FROM: Matt A. Salah P.E., Senior Coordinator Sewer Construction Projects *MS*
TO: Gregory Kammer, Assistant County Attorney
DATE: October 11, 2017
SUBJECT: Hampton Inn (5440 Camp Road) - Sanitary Sewer Easement Encroachment

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On August 1, 2008 a 20 foot wide sanitary sewer easement was granted to Erie County Sewer District No. 3 and filed in the Erie County Clerk's Office under Liber 11148, Page 2382. The Grantor was Mr. Ramesh Patel, President of Hamburg Lodging, Inc., (copy attached). The easement is in place for operation and maintenance of the public sanitary sewer pipe that services the various surrounding parcels. The easement states "...that no permanent building or other structure shall be constructed within the above described permanent easement..."

On August 5, 2016 engineering drawings for a new four-story Hampton Inn Hotel were submitted to the Division of Sewerage Management (DSM) for review and approval. The project was submitted by the design engineer on behalf of the owner which happened to be the same owner of Hamburg Lodging, Inc., Mr. Patel. Upon DSM review of the plans there were no indications of a structure to be built over the public sewer pipe and/or within the easement. However, upon project completion, Sewer District personnel noticed a building which had been constructed over the existing public sanitary sewer and 100% within the easement limits (see attachments layout and pictures). There also appears to be other building sewer connections servicing adjacent buildings, located below and adjacent to this structure.

Construction of this permanent structure is in violation of the easement terms and is of concern should the DSM need to maintain the public sewer in this location. On June 14, 2017 DSM sent a letter to Mr. Patel (copy attached) requesting the building be relocated outside of the easement limits with a deadline of 90 days. The 90 days has since passed and to date there has been no response.

Please advise as to the DSM's next steps in this matter. As always, should you have any questions, please let me know.

Encl.

cc: Board of Managers – ECSD No. 3
J Fiegl/D Millar/P. Ruffino/3.2.5.comm
S. Canestrari

Item 6(e)